

OFFICIAL

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: New York State

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Process for Investigations of Complaints and Monitoring

The State has in effect the following process for investigating complaints of violations of requirements by nursing facilities and monitors onsite on a regular, as needed basis, a nursing facility's compliance with the requirements of subsection (b), (c), and (d) for the following reasons:

- (i) the facility has been found not to be in compliance with such requirements and is in the process of correcting deficiencies to achieve such compliance;
- (ii) the facility was previously found not to be in compliance with such requirements and has corrected deficiencies to achieve such compliance, and verification of continued compliance is indicated; or
- (iii) the State has reason to question the compliance of the facility with such requirements.

Complaints received by the Area Offices are screened by the Long Term Care Program Director and Team Leader. Based on severity, the complaint is categorized as a 340 (patient abuse or neglect) or a general complaint. If the complaint is determined to be a 340, it is investigated within 48 hours. (See ~~attachment 1A~~ ). General complaints may result in an onsite visit or be investigated at the next surveillance visit. The substance of the general complaint will determine when the onsite visit is completed.

Based on the type, number and severity of the complaints received, the Area Office may conduct a focus survey to determine the facility's compliance with the regulations. Monitoring visits may also be conducted to ensure the facility is progressing toward compliance. In addition, prior to the recertification survey all complaints are reviewed in order for surveyors to investigate and determine compliance with all applicable regulations.

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